



**Town of Frederick  
Board of Trustees Agenda**  
Frederick Town Hall  
401 Locust Street  
Tuesday, August 26, 2014

**6:30 P.M.**  
**Work Session**  
General Discussion

**7:00 P.M.**  
**Regular Meeting**

**Call to Order – Roll Call:**

**Pledge of Allegiance:**

**Approval of Agenda:**

**Special Presentations:**

Bella Rosa Santa Cops Golf Tournament Community Funding Request – Linda Martin

**Public Comment:** This portion of the Agenda is provided to allow members of the audience to provide comments to the Town Board. Please sign in and the Mayor will call you. If your comments or concerns require an action, that item(s) will need to be placed on a later Agenda. Please limit the time of your comments to three (3) minutes.

**Staff Reports:**

- A. Administrative Report – Matt LeCerf, Town Manager
- B. Town Clerk's Report – Meghan Martinez, Town Clerk
- C. Attorney's Report – Rick Samson, Town Attorney

**Consent Agenda:** Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda

- D. Approval of August 12, 2014 Minutes – Meghan Martinez, Town Clerk
- E. Approval of August 19, 2014 Minutes – Meghan Martinez, Town Clerk

**Built on What Matters.**

- F. Acknowledgement of Receipt of List of Bills July 13, 2014 – August 15, 2014 – Mitzi McCoy, Finance Director
- G. Resolution 14R32 Regarding the First Amendment to the Golf Course and Facility Lease with Jacob and Faythe LLC for Operation of Bella Rosa Golf Course – Matt LeCerf, Town Manager
- H. Resolution 14R29 Authorizing the Town Manager to Execute the 1<sup>st</sup> Amendment to the Declaration of Covenants, Conditions and Restrictions for Eagle Business Park – Matt LeCerf, Town Manager
- I. Resolution 14R30 Authorizing the Town Manager to Negotiate a Lease Agreement on the Town Building at 450 Oak Street – Matt LeCerf, Town Manager

**Action Agenda:**

- J. Consideration of Appointment of Aspen Dufour to the Youth Commission – Megan Williams, Community Relations Manager
- K. Consideration of Appointment of Nikayta Neu to the Youth Commission – Megan Williams, Community Relations Manager
- L. Resolution 14R28 Accepting and Recommending Approval of Master Plans for Centennial Park and Frederick Recreation Area – Jennifer Simmons, Planning Director
- M. Resolution 14R33 Intent to Annex for Peterson Annexation – Chris Kennedy, Planner
- N. Resolution 14R31 Authorizing the Town Manager to Execute a Contract for the Pilot Project Implementing an AMI Meter Reading System – Matt LeCerf, Town Manager

**Mayor and Trustee Reports:**

**Work Session:** General Discussion



# TOWN OF FREDERICK

## APPLICATION FOR COMMUNITY PROGRAM FUNDING

DATE 7-21-14

DATE RECEIVED \_\_\_\_\_

ORGANIZATION NAME: SANTA COPS GOLF TOURNAMENT

CONTACT PERSON: PETER BAIN

ORGANIZATION ADDRESS: 5830 BELLA ROSA PARKWAY

HOW IS YOUR ORGANIZATION STRUCTURED? (Example: non-profit corporation)

NON PROFIT

LIST OFFICERS IN THE ORGANIZATION:

PRESIDENT/CHAIRPERSON: LYNN MARTIN

SECRETARY: LINDA MARTIN

BOARD OF DIRECTORS: LISA BAIN

<u>DEBBIE COLLINS</u>	<u>LYNN SNELL</u>
<u>DAVE STUBBS</u>	<u>PETER BAIN</u>
<u>STEVE COSTELLO</u>	<u>MARILYN DiMARTINO</u>
<u>TOM DiMARTINO</u>	<u>SCOTT GRAFF</u>
<u>TOM RIESENBERGER</u>	<u>BETTY GRAFF</u>

## PROJECT OR ACTIVITY INFORMATION

Describe the event or program for which you are seeking funding. (Attached additional information if necessary)

SANTA COPS CHRISTMAS CHARITY  
(BUYING TOYS AND HELPING CHILDREN IN NEED

Date of Event/Activity 10-4-14

Duration: 1 DAY

Date when funds will be needed. 9-15-14

Estimate of the number of people who will benefit from this event/activity.

200

How will this event/activity enhance the Town of Frederick's positive image?

THIS EVENT BENEFITS ~~FREDERICKS~~ <sup>FREDERICKS</sup> UNDERPRIVILEGED CHILDREN

Describe any other ways in which this event/activity will contribute to the good of the general public.

SOME FUNDS STAY WITHIN THE FREDERICK COMMUNITY

ALL FUNDS ARE DISTRIBUTED TO TRI TOWN AREA

PEOPLE WILL FEEL GOOD ABOUT HELPING CHILDREN

## EVENT/ACTIVITY BUDGET INFORMATION

List the estimated budget for this event/activity:

Source of Funding	Amount
Town of Frederick	\$ <u>500<sup>00</sup></u> (amount of this request)
GOLF TOURNAMENT PARTICIPANTS	\$ <u>4,400</u>
HOLE SPONSORS	\$ <u>3,000</u>
AUCTIONS	\$ <u>4,000</u>
Total Funding	\$ <u>11,900<sup>00</sup></u> EST
Estimated Costs	Amount
GOLF	\$ <u>700<sup>00</sup></u>
FOOD	\$ <u>920<sup>00</sup></u>
MISC COSTS	\$ <u>100<sup>00</sup></u>
Total Costs	\$ <u>1,720<sup>00</sup></u> EST

If applicable, please describe how your organization plans to utilize any surplus funds resulting for this event/activity.

ALL FUNDS BENEFIT CHILDREN

WE HAVE DONATED \$26,500 IN 3 YRS

Name and Signature of Organization's Project Chairperson:

<u>Lynn A. Mator</u>	<u>303-833-5352</u>
NAME (PLEASE PRINT OR TYPE)	TELEPHONE
<u>President</u>	
TITLE	
<u>[Signature]</u>	<u>1/28/14</u>
SIGNATURE	DATE



# TOWN OF FREDERICK MEMORANDUM

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TO: Honorable Mayor Tony Carey and Board of Trustees

FROM: Meghan Martinez, Town Clerk

DATE: August 19, 2014

**SUBJECT: Town Clerk Report**

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- Open Records Requests – Responded to and completed three open records requests.
- Participated in the Public Works Director Inbox Exercise and Panel Interviews.
- Liquor Licensing – Responded to Special Events Permit questions from Carbon Valley Chamber of Commerce. Responded to Modification of Premises questions from Georgia Boys. Received an application for special events permit for Miners Day.
- Frederick Arts Commission - Assisted in coordination of Electrical Box pick up from Commissioner Showers. Received additional names for placement on the Miners Wall.
- Business Licensing – Responded to inquiries regarding solicitors licensing. Drafted newsletter item regarding door to door sales in the Town.
- Met with Dacono City Clerk Valerie Taylor to discuss Frederick's digital records retention.
- Historic Preservation Commission – Assisted in coordination of Miners Day Float project. Provided Commissioner Watson with documentation for grant application.
- Large Format Scanning Project – Began scanning large format commercial building plans, master drainage plans, and site plans. I expect this phase of the project to be completed in September.
- Leadership Weld County Training – I will be a member of the 2014-2015 Class of Leadership Weld County. Training begins in September and will continue through May of 2015. I am looking forward to attending the training and working with other members of the Weld County Community.
- Business Licensing – Processed penalty billing for August. Sent out renewals for October.

**Built on What Matters.**



255 Weaver Park Rd., Suite 200 - Longmont, Colorado  
80501

POST OFFICE BOX 1079 80502-1079  
T (303) 776-1169 - F (303) 776-5444  
Samsonlongmontlaw.com

TO: Mayor and Trustees, Town of Frederick

FROM: Rick Samson

DATE: 8/20/14

RE: Status Report for August

- 
- Attended Development Review Committee Meetings.
  - Met with Planning Commission in a work session to discuss procedures and process then attended Planning Commission meeting.
  - Still working with planning department on required documents for land use submittals.
  - Working with Planning Department and Engineering Department on the use of Memorandum of Agreement for Public Improvements (development agreements).
  - Prepared golf course lease revisions and Resolution at Matt's direction.
  - Will meet with staff to develop recommendations to the Board on recouping the cost of restoring Town streets and roads due to oil and gas traffic on August 25.
  - Still working with staff and the Eagle Business Park developer to insure that the Town gets clear title to property being deeded to us.
  - Reviewed an employment issue at the direction of the mayor and am preparing a memo for Matt and Lauren.
  - Still monitoring the litigation with Frederick Firestone Fire Protection District and Mountain View Fire Protection District.
  - Prepared legal opinion and Resolution for the GOCO grant application.
  - Working with Dick Leffler and Meghan Martinez on Colorado Open Records Act (CORA) and BidNet.

**REGULAR BOARD MEETING MINUTES  
TOWN OF FREDERICK BOARD OF TRUSTEES  
Frederick Town Hall, 401 Locust Street  
Tuesday, August 12, 2014**

At 7:00 P.M. Mayor Carey called the meeting to order and requested roll call.

**Roll Call**

Present were Mayor Carey, Mayor Pro Tem Brown and Trustees Schiers, Skates, Payne, Burnham and Hudziak. Also present were Town Manager Matt LeCerf, Town Attorney Rick Samson and Town Clerk Meghan Martinez.

**Pledge of Allegiance:** Mayor Carey invited everyone to join in the Pledge of Allegiance.

**Approval of Agenda:** There were no changes to the agenda.

**Special Presentations:**

**Miners Day Commission:** Commissioner Maggie Figurelli gave an update on the upcoming Miners Day Celebration.

**Frederick Firestone Fire Protection District Quarterly Update:** Battalion Chief Mike Reasoner presented the quarterly update and was available to answer questions.

**Public Comment:**

Scott Jeffres, 5671 CR 19, expressed his concern about the S.A.F.E. Range.

Jim Bushnell, 8501 Highway 52, spoke in opposition to the S.A.F.E. Range.

Kyle Higgin, 6678 12<sup>th</sup> Street, expressed his concern regarding the Carriage Hills Common Areas. Mayor Carey requested all parties with concerns regarding Carriage Hills meet with Town Manager Matt LeCerf in the conference room.

Jolene Gitlin, 5820 WCR 19, spoke in opposition to the S.A.F.E. Range.

**Town Clerk's Report:** Town Clerk Meghan Martinez provided a written report to the Board.

**Town Attorney's Report:** Town Attorney Rick Samson provided a written report to the Board.

**Consent Agenda:**

Trustee Skates requested that item D be removed from the consent agenda. Motion by Trustee Skates and seconded by Trustee Burnham to approve the remainder of the consent agenda which included the following items:

- July 22, 2014 Minutes
- WAPA Deliver of Power and Max Purchase Obligation
- 14R27 Supporting a GOCO Application

Upon roll call vote, motion passed unanimously.



Resolution 14R26 Increase to FPPA Employee Pension Contributions: Human Resources Director Lauren Mueller presented the proposed resolution. Trustee Skates wished to know whether the Town could increase their contributions as well. Director Mueller explained the process. Motion by Trustee Skates to approve resolution 14R26 and seconded by Trustee Payne. Upon roll call vote, motion passed unanimously.

### **Action Agenda:**

Public Hearing Removal of Town Hall Building from Centennial Park: Planning Director Jennifer Simmons presented the proposed item. She requested approval to remove the city hall play structure from Centennial Park.

At 7:37 Mayor Carey opened the public hearing.

At 7:38 Mayor Carey closed the public hearing.

Motion by Trustee Payne to remove the city hall play structure from Centennial Park and seconded by Trustee Schiers. Upon roll call vote, motion passed unanimously.

### **Discussion Agenda:**

Parks, Open Space, and Trails Chairman Chuck Beehler and commission member Alan Gill addressed the board regarding the proposed master planning for FRA and Centennial Park. Planning Director Jennifer Simmons was available to answer questions regarding the Master Planning process.

### **Mayor and Trustee Reports:**

Trustee Payne: Thanked both the Miners Day Commission and the POST Commission for their work. He also inquired about the process members of the general community can obtain the information regarding development applications. He would like to hear a report on the Carriage Hills meeting.

Trustee Schiers: Nothing at this time.

Trustee Skates: The Help Center will be involved in the Chamber Golf Tournament.

Trustee Hudziak: She gave an update on the Historic Preservation Commission. They will be creating a float for Miners Day. The commission is also applying for a grant to update the diorama in the museum.

Trustee Burnham: He thanked staff for their hard work on the BBQs. He has received good feedback from residents.

Mayor Pro Tem Brown: The Arts Commission is working on the placement of the chainsaw carvings. The commission has been investigating the painting of the utility boxes. One has been painted by Commissioner Tami Showers and will be installed soon. She encouraged everyone to sign up for the Lassy Project.

Mayor Carey: He congratulated the Police Department on National Night Out. He also requested that Town Manager Matt LeCerf provide an update for the Carriage Hills Residents.

There being no further business of the Board, Mayor Carey closed the meeting at 8:27 p.m.

Approved by the Board of Trustees:

ATTEST:

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Tony Carey, Mayor

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Meghan C. Martinez, Town Clerk

**SPECIAL MEETING MINUTES  
TOWN OF FREDERICK BOARD OF TRUSTEES  
Frederick Town Hall, 401 Locust Street  
Tuesday, August 19, 2014**

At 5:00 P.M. Mayor Carey called the meeting to order and requested roll call.

**Roll Call**

Present were Mayor Carey, Mayor Pro Tem Brown and Trustees Skates, Burnham and Hudziak. Also present were Town Manager Matt LeCerf and Town Clerk Meghan Martinez.

**Pledge of Allegiance:** Mayor Carey invited everyone to join in the Pledge of Allegiance.

**Approval of Agenda:** Mayor Carey added the Mayor's Report to end of the agenda.

**Executive Session:**

Motion by Mayor Pro Tem Brown and seconded by Trustee Skates to go into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; regarding the Town Manager. Upon roll call vote motion passed unanimously.

At 5:07 Trustee Payne joined the meeting.

At 5:08 Trustee Schiers joined the meeting.

**Mayors Report:**

**Mayor Carey:** He discussed economic development in the downtown and provided an update to the Board.

There being no further business of the Board, Mayor Carey closed the meeting at 7:00 p.m.

ATTEST:

Approved by the Board of Trustees:

\_\_\_\_\_  
Tony Carey, Mayor

\_\_\_\_\_  
Meghan C. Martinez, Town Clerk

Town of Frederick-List of Bills  
July 13, 2014-August 15, 2014

DANA KEPNER CO	Water Meter Supplies	7,806.90
DBC IRRIGATION SUPPLY	Irrigation Supplies	642.99
DEPARTMENT OF PUBLIC HEALTH & ADMIN	Water Testing	1,554.00
DISCOUNT TIRE SERVICE	Tires for Tractor	2,207.80
e3 SIGNS	Branding Decals	1,474.26
ECHO BREWING COMPANY	Frederick Market	205.00
EMPLOYERS COUNCIL SERVICES INC	Pre Employment Consulting	150.00
EVOLVE TECHNOLOGIES LLC	New phone service	405.30
EWING AUTO PARTS INC.	Supplies	176.85
EXPONENTIAL ENGINEERING COMPANY	Electrical Engineering Services	7,666.75
FAIRFIELD AND WOODS PC	Legal Services	1,411.50
FELSBURG HOLT & ULLEVIG, INC.	Legal Services	8,598.99
FREDERICK FIRESTONE FIRE PROTECTION DIST	2nd QTR EOC fees	391.57
FREEDOM MAILING SERVICES LLC	Shut off & Delinquent Notices	211.77
FRONTIER BUSINESS PRODUCTS	Servicing of Copier	460.42
G & G EQUIPMENT INC	Equipment Repairs	748.30
GABINO NIETO	PW Safety T-shirts	200.00
GENERAL AIR	Welding Materials	1,594.28
GILLIAN LUIS	Refund for barricade rental	25.00
GREEN MILL SPORTMAN'S CLUB	Range use	300.00
GREEN MOUNTAIN PROMOTIONS	Branding Items	1,105.11
GREEN SPOT INC	Tree Voucher	100.00
GUARDIAN TITLE	Refund Overpayment	12.46
HALLECK ENTERPRISES	PW Land rent	1,317.00
HELMETS R US	Bike helmets for kids	24.50
HISTORY COLORADO	SHPO Application for clearance to construct	16.00
HJ COMMERCIAL	Refund Overpayment	150.03
HOME DEPOT/GECF	Supplies	2,069.84
IN FORM CREATIONS LLC	Branding	500.00
INTERSTATE RENTAL & SALES, INC.	Equipment Rental	22.00
JEFF CAHN INC	Judge Services	992.25
JENNIFER & MICHAEL ROSE	Refund Overpayment	29.42
JENNIFER SIMMONS	Reimbursements	107.70
JOHN ADAMS	Reimbursement for water leak repair at Bella R	29.42
JOHN CUTLER & ASSOCIATES	Final Billing for Audit	2,000.00
JOHN DEERE LANDSCAPES LLC	Cellular upgrade for existing EGI Controllers	900.00
JR'S LANDSCAPING	Concrete curb edging	2,178.00
KINSCO LLC	PD Euipment	634.48
KRISTIN NORDECK BROWN P.C.	Prosecution Services	696.00
L.G. EVERIST INC	Road Base	430.23
L.L. JOHNSON DISTRIBUTING COMPANY	Equipment	1,268.76
LAND TITLE	Refund Overpayment	33.62
LIBERTY FLAG & SPECIALTY COMPANY	Flags	252.95
LIGHTING, ACCESSORY & WARNING SYSTEMS LLC	PD Vehicle Equipment	277.63
LISA KNIPP	Refund Overpayment	130.33
LONGMONT HUMANE SOCIETY	Impound Fees	595.00
LONGS PEAK EQUIPMENT COMPANY	Mower Maintenance	98.02

Town of Frederick-List of Bills  
July 13, 2014-August 15, 2014

MAIN STREET MAT COMPANY	Mat Service	383.64
MARIACHI VASQUEZ	Downtown Sounds	800.00
MAX MARTINEZ	Downtown Sounds	600.00
MCHUGH CONSTRUCTION	Refund Overpayment	1.66
MEGAN WILLIAMS	Reimb. for Community BBQ Supplies	17.55
MITZI MCCOY	Tuition Reimbursement	909.68
MOTOROLA SOLUTIONS INC	K-9 Equipment	60.00
NATIONAL RECREATION & PARK ASSOCIATION	Membership	99.00
NEWMAN TRAFFIC SIGNS, INC.	Logo Sticker trial	115.46
NORTHERN CHEYENNE TRIBAL PRESERVATION	Consultation Fee	390.00
NORTHERN CO. WATER CONSERVANCY DISTRICT	Fiscal Year 2014 NISP Additional funding	32,500.00
NORTHERN COLORADO CONSTRUCTORS INC	Repairs	36,241.60
NORTHERN COLORADO PAPER	Supplies	270.00
OCPO	Water Exam	70.00
OFFICE DEPOT	DBA Coupons	48.67
O'REILLY AUTOMOTIVE INC	Supplies	947.31
PARAGON GRAPHICS & PRINTING	Supplies	190.00
PAUL C BENEDETTI	Legal Services	432.00
PHILLIPS SEEDING & RECLAMATION INC	Hydrant Meter Refund	2,200.00
PINNACOL ASSURANCE	Worker's Comp	28,366.43
PRAETORIAN GROUP, INC.	PoliceOne.com	1,066.00
PRAIRIE MOUNTAIN PUBLISHING LLP	Publishing	1,005.58
PRE ACTION FIRE INC	Wireless Monitoring	220.00
REDI SERVICES LLC	Monthly Servicing of Porta Johns	880.00
RICK RAINWATER	Refund Overpayment	63.83
RICOH USA INC	Copier lease	556.58
ROBERT STOLARSKI	Refund Overpayment	28.74
ROCKY MOUNTAIN INFORMATION NETWORK	Annual Membership for Investigations	100.00
S B PORTA BOWL	Frederick in Flight	540.00
SAC MECHANICAL	AC repairs/maintenance	894.95
SAFELITE FULFILLMENT INC	Windshield Replacement	226.85
SAFETY & CONSTRUCTION SUPPLY INC	Supplies	133.17
SAFEWAY	Farmers Market supplies	191.96
SAINT AUBYN HOMES	Refund Overpayment	63.39
SAM'S CLUB / GEGRB	Supplies	1,912.94
SAMSON LAW FIRM	Legal Services	11,500.00
SILVER FOX FIRE PROTECTION LLC	Fire Extinguisher servicing	65.00
SOLAR TRAFFIC CONTROLS	Equipment	307.00
SOURCE GAS	Gas Usage	591.07
SPS LANDSCAPE MATERIALS	Landscape Materials	357.00
ST. VRAIN VALLEY SCHOOL DISTRICT	Restitution Case	437.16
STEEL STAR	Mounting Supplies	135.00
STERLING INFO SYSTEMS	Consumer Credit Report	13.39
STEVEN WALJE	Reimbursement for Travel & Training	85.96
STRIGLOS COMPANIES, INC.	Security Software	1,428.00
SWEETWINE ENTERTAINMENT GROUP	Downtown Sounds	600.00
TASER INTERNATIONAL	Equipment	5,275.31

Town of Frederick-List of Bills  
July 13, 2014-August 15, 2014

THE GROUP GUARANTEED TITLE	Refund Overpayment	67.38
THE NAKED HANGER	Maintenance	400.75
THE TRANSLATION & INTERPRETING CENTER	Interpreter fees	100.00
THE TREE FARM	FRA Trees/Tree Vouchers	428.90
TIMBERLAN	Software	5,066.70
TLO LLC	Investigation Fee	77.50
TOTAL FACILITY CARE	Cleaning Services	2,697.50
TOWN OF FREDERICK	Supply Reimbursement	350.46
TRACTOR SUPPLY CREDIT PLAN	Supplies	152.97
TRANSWEST TRUCK	Equipment	216.43
UMB BANK	Custodian Fee	187.50
UNITED POWER	Power	521,859.23
UTILITY NOTIFICATION CENTER OF COLORADO	Utility Locates	660.96
UTILITY SALES & SERVICE INC	Electric Supplies and Training	1,177.06
VALLEY BANK	Lease Payment	84,820.10
VERIZON WIRELESS	Wireless services	2,627.21
W.L. CONTRACTORS, INC.	Servicing	514.50
WARD ELECTRIC COMPANY INC	Electric O & M	37,854.04
WARD ENGINEERING INC	S.A.F.E. Project	3,429.25
WASTE CONNECTIONS OF COLO INC	Trash Service	39,336.03
WAYNE FAUST	Downtown Sounds	400.00
WELZIG HEATING & AIR	Service Call	74.00
WESTERN UNITED ELECTRIC SUPPLY CORP	Electrical Supplies	10,268.16
WORKWELL OCCUPATIONAL MEDICINE	Physicals	70.00
WRIGHT EXPRESS	Fuel	10,257.49
<hr/>		
GRAND TOTAL:		1,225,147.39



# TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Tony Carey, Mayor

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

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## A Resolution Regarding First Amendment to the Golf Course and Facility Lease with Jacob & Faythe, LLC for Operation of Bella Rosa Golf Course

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**Agenda Date:** Town Board Meeting - August 26, 2014

**Attachments:**

- a. First amendment to the golf course facility between the Town of Frederick and Jacob & Faythe, LLC
- b. Utility cost analysis 2013
- c. Resolution NO. 14-R-31

**Finance Review:**

\_\_\_\_\_  
Finance Director

**Submitted by:**

  
\_\_\_\_\_  
Town Manager

**Approved for Presentation:**

  
\_\_\_\_\_  
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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**Summary Statement:**

Jacob & Faythe has requested a modification to the existing contract between the Town of Frederick and themselves to lease the golf course and facility at the Bella Rosa Golf Course. The change presented will be retroactive to January 1 2014.

**Detail of Issue/Request:**

As you may recall there was discussion a few months ago among the board regarding a request by Jacob & Faythe to make minor changes to the contract currently in effect between the Town of Frederick and Jacob & Faythe. The premise of the changes were related to modifications of utility payment structures and the annual lease payment. Based on general direction by the board, I have worked with Jacob & Faythe to negotiate a contract which I believe works for all parties involved moving forward. The

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proposed contract modifications proposed will be retroactive to January 1, 2014. The proposed changes to the contract scope are as follows:

1. The rental fee (annual lease) for the golf course and facility would increase from \$50,000 dollars to \$60,000, and will be due no later than October 31<sup>st</sup> of each year.
2. The Town shall be responsible for the payment of the utilities of electric, storm water, portable and non-potable water.
3. The tenants shall be responsible for the following utilities, gas, sewer, trash, insurance, phone, internet service and any other utility they may desire to use.

Also included in this agenda item is a document showing utility cost for 2013. The proposed amendment between the two parties will result in approximately a \$5,000 difference in total revenues for the Town. Although this does cause a change in net difference, I still believe that operating the golf course through a contract where a number of associated costs are not the responsibility and obligation of the Town benefits us tremendously. This is due to the fact that most golf courses find difficulty from year to year in operating with a positive cash flow.

**Legal/Political Considerations:**

Not Applicable.

**Alternatives/Options:**

1. The Board may choose not to approve this agenda item and direct the Town Manager to renegotiate the contract again.
2. The Board may choose to stay with the existing contract which is currently in place.

**Financial Considerations:**

Changes in the contract will result in approximately a \$5,000 difference between our proposed and actual revenues for this line item.

**Staff Recommendation:**

The staff recommends approval of the amendment as presented.



FIRST AMENDMENT TO THE GOLF COURSE AND FACILITY LEASE  
BETWEEN  
THE TOWN OF FREDERICK AND JACOB & FAYTHE, LLC

This First Amendment is entered into this 26<sup>th</sup> day of August, 2014, and amends the original lease dated December 10, 2013 (the "Lease").

WHEREAS, the parties wish to extend the Lease for the second year and in consideration for that extension have agreed to make certain changes to the base lease document as follows:

Section 1. Section 1.06 is amended to read as follows:

1.06 Rental: Base rent shall be the amount of sixty thousand dollars (\$60,000.00), due in quarterly payments by the first business day of each quarter or in the alternative due in full before October 31 of each year and no later than sixty (60) days prior to expiration of the lease.

Section 2. Section 3.01 is amended to read as follows:

3.01 Tenant shall pay to Landlord as rent the amount set forth in Section 1.06. Rent payments shall be accompanied by a statement of gross income from all operations on the property for the respective quarter and year to-date, from the first to the last day of each quarter, and shall be due on the tenth day of each following quarter, commencing on January 1, 2014 and shall be due in full no later than October 31 of each year.

Section 3. Section 6.03 is amended to read as follows:

6.03(d) Landlord shall be responsible only for payment of electrical service in conjunction with the irrigation system on the golf course and the costs for non-potable water to irrigate the golf course area, potable water for the other facilities and storm water.

Section 4. Section 7.01(a) is amended to read as follows:

7.01(a) Tenant shall be responsible for the following expenses: gas, sewer, trash, insurance premiums for policies described in Section 9 hereof; janitorial services; labor; any costs incurred in management and maintenance of the building, golf course, clubhouse, and restaurant; supplies; materials; maintenance of equipment and facilities; and costs, including, but not limited to, the costs of seed, fertilizer and other necessary supplies and materials.

Section 5. Section 10 is amended to read as follows:

**Section Ten: Utilities**

Landlord shall furnish to the Property, during reasonable hours of generally recognized business days, to be determined by Landlord, and subject to applicable laws and regulations and the rules of the clubhouse, electricity, water (potable and non-potable) , and storm water for the use of the Property. The Landlord shall not be responsible for any costs associated with the use of utilities upon the Property and furthermore, the Tenant shall be responsible to reimburse to Landlord for any utility costs incurred at the Property. Tenant agrees, at all times, to cooperate fully with Landlord and to abide by all the regulations and requirements which Landlord may prescribe for the proper functioning and protection of such heating, ventilating, and air-conditioning system, if any. Landlord shall not be liable for, and Tenant shall not be entitled to, any abatement or reduction of rent by reason of Landlord's failure to furnish any of the foregoing when such failure is caused by accident, breakage, repairs, strikes, lockouts, or other labor disturbances or labor disputes of any character, or by any other cause, similar or dissimilar, beyond the reasonable control of Landlord. Landlord shall not be liable, under any circumstances, for loss of business or injury to property, however occurring, through or in connection with, or incidental to, failure to furnish any of the foregoing.

Section 6. In all other respects we hereby ratify and confirm all other terms and conditions in the original Agreement dated December 10, 2013

LANDLORD:

TENANT:

TOWN OF FREDERICK

JACOB & FAYTHE, LLC

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Tony Carey, Mayor

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Peter Bain, Manager

ATTEST:

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Meghan C. Martinez, Town Clerk

## **EXHIBIT A**

The equipment referenced in the Lease as being listed on this Exhibit A, to be provided by Landlord to the Tenant for use in operation of the golf course and associated facilities, will no longer being used on the Property as of January 1, 2012.

All equipment to be provided by Landlord for use on the golf course and associated facilities as of January 1, 2012 is listed on Exhibit C only. Accordingly, all references to Exhibit A in the Agreement shall be read to refer to Exhibit C instead.

**Bella Rosa**  
**Utility Cost Analysis 2013**

<b><u>2013</u></b>	<b><u>Source Gas</u> <u>Payments</u></b>	<b><u>Water</u> <u>Costs</u></b>	<b><u>Non-Potable</u> <u>Water Costs</u> <u>w/out Base</u></b>	<b><u>Storm</u> <u>Water</u> <u>Costs</u></b>	<b><u>Electric</u> <u>Costs</u></b>	<b><u>Total</u></b>
January	1,018.57	31.20	0.00	6.23	1,166.80	2,222.80
February	936.19	33.40	0.00	6.23	1,055.40	2,031.22
March	793.30	35.60	0.00	6.23	1,036.84	1,871.97
April	706.84	35.60	0.00	6.23	1,046.12	1,794.79
May	381.98	51.00	17.24	6.23	1,231.78	1,688.23
June	255.17	48.80	29.62	6.23	1,855.05	2,194.87
July	234.74	53.80	37.00	6.23	1,924.91	2,256.68
August	247.01	44.40	27.83	6.23	1,219.61	1,545.08
September	234.44	37.80	20.30	6.23	1,797.04	2,095.81
October	597.85	42.20	6.08	6.23	1,327.43	1,979.79
November	844.50	35.60	1.76	6.23	1,128.88	2,016.97
December	1,073.11	35.60	0.00	6.23	1,448.33	2,563.27
<b>Total</b>	<b>7,323.70</b>	<b>485.00</b>	<b>139.83</b>	<b>74.76</b>	<b>16,238.19</b>	<b>24,261.48</b>

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 14-R-32**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,  
REGARDING FIRST AMENDMENT TO LEASE WITH JACOB & FAYTHE,  
LLC FOR OPERATION OF BELLA ROSA GOLF COURSE**

**WHEREAS**, the Town of Frederick entered into a one-year lease with Jacob & Faythe, LLC, dated December 10, 2013, for operation of the Bella Rosa golf course and clubhouse; and

**WHEREAS**, pursuant to Section 1.04, the Lease may be renewed for up to two additional one-year terms upon appropriation by the Town; and

**WHEREAS**, the Board of Trustees for the Town has determined it is in the best interest of the Town and its residents to exercise the option to renew the Lease for the first one-year renewal term and to amend certain references within the Lease.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE  
TOWN OF FREDERICK, WELD COUNTY, COLORADO THAT;**

**Section 1.** The Board of Trustees hereby authorizes the Mayor and the Town Clerk to sign the First Amendment to the Lease, dated \_\_\_\_\_, between the Town and Jacob & Faythe, LLC for operation of the Bella Rosa golf course, as attached hereto.

**Section 2.** Said Amendment will exercise the option to renew the Lease for first one-year term, pursuant to Section 1.04 of the Lease.

**Section 3.** Section 1.06 is amended to increase the annual base rent to \$60,000 per year.

**Section 4.** Section 3.01 is amended to require the total rent payment to be made no later than October 31 of each year.

**Section 5.** Section 6.03(d) is amended to include only water, (potable and non-potable), storm water, and electricity for the property retroactive to January 1, 2014.

**Section 6.** Section 7.01(a) is amended to include gas, sewer and trash.

**Section 7.** Section 10 is amended in include only water, (potable and non-potable), storm water, and electricity for the property.

**Section 8. Effective Date.** This resolution shall be become effective immediately upon adoption.

**Section 9. Repealer.** All resolutions or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

**Section 10. Certification.** The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 26<sup>th</sup> DAY OF AUGUST, 2014.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Meghan C. Martinez, Town Clerk

By \_\_\_\_\_  
Tony Carey, Mayor

**EXHIBIT A**

**FIRST AMENDMENT TO LEASE WITH JACOB & FAYTHE, LLC  
FOR OPERATION OF BELLA ROSA GOLF COURSE**



# TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Tony Carey, Mayor

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

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## A Resolution Authorizing the Town Manager to execute the First Amendment to Declaration of Covenants, Conditions and Restrictions for Eagle Business Park

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**Agenda Date:** Town Board Meeting - August 26, 2014

**Attachments:**

- a. The first amendment to the declaration of covenants, conditions and restriction for Eagle Business Park
- b. Resolution NO. 14-R-29
- c. Sections 8.1 - 8.4 of the declaration of covenants, conditions and restrictions for Eagle Business Park


**Finance Review:**

\_\_\_\_\_  
Finance Director

**Submitted by:**

  
\_\_\_\_\_  
Town Manager

**Approved for Presentation:**

  
\_\_\_\_\_  
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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**Summary Statement:**

The item presented is a request by Shadetree Eagle, LLC for the Town to support a change in the declaration of covenants, conditions and restrictions for the Eagle Business Park.

**Detail of Issue/Request:**

The Town of Frederick has been requested by Shadetree Eagle, LLC to consider an amendment to the declaration of covenants, conditions and restriction for Eagle Business Park. Also being requested to consider this change is Black Diamond Real Estate Inc. Specifically, the amendment requested is to remove the architectural review standards - Sections 8.1 - 8.4 of the document which are enclosed in this



item . The change proposed would defer any architectural review standards to meet the Town of Frederick's architectural standards.

**Legal/Political Considerations:**

It is important to note that there may be a number of other entities that may need to approve this document beyond just the Town of Frederick. If any of those entities choose not to support this amendment, then it will be not enforceable.

**Alternatives/Options:**

The Town board may consider not approving the amendment as presented and proposed by Shadetree Eagle, LLC.

**Financial Considerations:**

Not applicable.

**Staff Recommendation:**

Staff recommends the Board approve the resolution as presented.

**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR EAGLE BUSINESS PARK**

**THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR EAGLE BUSINESS PARK** (the “Amendment”) is dated as of the \_\_\_ day of August, 2014, by and between **SHADETREE EAGLE, LLC.**, a Colorado limited liability company (“Declarant” and also a “Property Owner”), the **TOWN OF FREDERICK**, a Colorado municipal corporation (the “Town”), **BLACK DIAMOND REAL ESTATE, INC.**, a Delaware corporation, (each, along with the above, a “Property Owner” and collectively the “Property Owners”).

**RECITALS:**

A. The Property Owners own all the real property described in and subject to that certain Declaration of Covenants, Conditions and Restrictions For Eagle Business Park recorded July 2, 2009 at Reception No. 3634223 of the Weld County records (the “Declaration”).

B. Declarant is the successor Declarant by reason of that certain Transfer of Declarant Rights recorded April 23, 2013 at Reception Nos. 3926698 and 3926699 of the Weld County records.

C. Section 13.2(a) of the Declaration permits the amendment of the Declaration with prior written approval of Owners entitled to cast at sixty-seven percent of the total number of votes in the Association.

D. The parties now desire to amend the Declaration, as permitted and in accordance with Section 13.2(a), as hereinafter set forth. For purposes of this Amendment, all capitalized terms used herein shall have the meanings ascribed to them in the Declaration, unless otherwise defined herein.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements of the parties, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Recitals. The foregoing recitals are true, and are incorporated herein by this reference as though set forth in full.

2. No Architectural Review. Sections 8.1 through 8.4 of the Declaration are hereby deleted in their entirety. The Association shall have no architectural review powers. All improvements to the Eagle Business Park shall be in accordance with applicable governmental requirements.

3. Declarant Control Period. Provision (ii) of Section 1(m) of the Declaration shall be deleted and replaced with the following: “(ii) when the Declarant owns no Assessment Units;”.

4. Conflict. This Amendment is and shall be construed as a part of the Declaration. In case of any inconsistency between this Amendment and the Declaration, the provisions of this Amendment shall control.

5. Counterparts; Facsimile; Authority. The parties agree that this Amendment may be executed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement. The parties further agree that this Amendment may be executed by facsimile signature, and that any facsimile signature shall be binding upon the party providing such signature as if it were the party's original signature. Each natural person who is executing this Amendment on behalf of Seller hereby represents and warrants to Buyer that he or she has the full power and authority to execute this Amendment on behalf of Seller and to bind Seller to the terms hereof. Each natural person who is executing this Amendment on behalf of Buyer hereby represents and warrants to Seller that he or she has the full power and authority to execute this Amendment on behalf of Buyer and to bind Buyer to the terms hereof.

**IN WITNESS WHEREOF**, the undersigned have executed this Amendment as of the date and year first set forth above.

**DECLARANT:**

**SHADETREE EAGLE, LLC.,** a Colorado limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

State of Colorado )<sub>ss</sub>  
County of \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_\_ day of August, 2014 by Cutis McDonald as Manager of Shadetree Eagle LLC, a Colorado limited liability company.

My commission expires:

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

**PROPERTY OWNERS:**

**SHADETREE EAGLE, LLC.,** a Colorado limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

State of Colorado )ss

County of \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_\_ day of August, 2014 by Cutis McDonald as Manager of Shadetree Eagle LLC, a Colorado limited liability company.

My commission expires:

\_\_\_\_\_  
Notary Public

**TOWN OF FREDERICK**, a Colorado municipal Corporation

By: \_\_\_\_\_  
Matt LeCerf, Town Manager  
Pursuant to Resolution No. \_\_\_\_  
Adopted \_\_\_\_\_, 2014

State of Colorado            )ss  
County of \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of August, 2014 by  
Matt LeCerf as Town Manager of the Town of Frederick, a Colorado municipal  
corporation.

My commission expires:

\_\_\_\_\_  
Notary Public

**BLACK DIAMOND REAL ESTATE INC.** a Delaware corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

State of Colorado )ss

County of \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_\_ day of August, 2014 by  
\_\_\_\_\_ as \_\_\_\_\_ of Black Diamond Real Estate, Inc. a  
Delaware corporation.

My commission expires:

\_\_\_\_\_  
Notary Public

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 14-R-29**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,  
AUTHORIZING THE TOWN MANAGER TO EXECUTE THE FIRST  
AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR EAGLE BUSINESS PARK**

**WHEREAS**, Eagle Business Park is subject to a Declaration of Covenants, Conditions and Restrictions (CCRS) dated July 2, 2009; and

**WHEREAS**, the Town, as an owner of a lot within the subdivision is a member of the Eagle Business Park Owners Association and by definition an owner as defined in the CCRs; and

**WHEREAS**, the majority owner of lots within the subdivision has proposed changes to the CCRs which are incorporated in the First Amendment referenced above; and

**WHEREAS**, the Town agrees with the proposed changes.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

Matt LeCerf, Frederick Town Manager is hereby authorized to execute the **FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR EAGLE BUSINESS PARK** on behalf of the Town.

**INTRODUCED, READ, PASSED, AND SIGNED THIS 26th DAY of AUGUST, 2014.**

**ATTEST:**

**TOWN OF FREDERICK**

By: \_\_\_\_\_  
Meghan C. Martinez, Town Clerk

By: \_\_\_\_\_  
Tony Carey, Mayor



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and (iii) in accordance with all applicable provisions of this Declaration and/or the Development Plan.

**7.4 Rules and Regulations.** The Board of Directors shall have the power to adopt, amend, repeal and enforce Rules and Regulations restricting and regulating the use and enjoyment of the Common Area and the appearance of the Lots and the actions of the Owners and occupants of any portion thereof that affect the appearance, use or enjoyment of the Property. Such Rules and Regulations may supplement, but may not be inconsistent with, the provisions of the Governing Documents. The Property shall be occupied and used in compliance with the Rules and Regulations. Copies of the Rules and Regulations shall be furnished by the Board of Directors to each Owner. Changes to the Rules and Regulations shall be mailed or delivered before the time when they become effective to the address of the Owner provided to the Association or on record with the Weld County Assessor. The Rules and Regulations shall not unreasonably interfere with the use or enjoyment of the Lots or Common Area or the reasonable conduct of business on the Lots. Also, the Board of Directors may issue temporary exceptions to any prohibitions expressed or implied by this Article, for good cause shown.

## **8. ARCHITECTURAL REVIEW**

### **8.1 Review Committee.**

(a) *Purpose.* The Declarant during the Declarant Control Period, or the Board of Directors thereafter, may establish an Architectural Review Committee, consisting of at least three persons appointed by the Board, with at least one person being an Owner, or representative of an Owner, of a Lot. Each person appointed to the Committee shall serve for a term of one to three years as may be determined by the Board of Directors. The purpose of the Architectural Review Committee is to assure that the Property is maintained in a manner that: (i) provides for visual harmony and soundness of repair; (ii) avoids activities deleterious to the aesthetic or property values of the Property; and (iii) promotes the general welfare and safety of the Owners, such Owners' tenants and such Owners' (or tenants') guests, employees, agents and invitees. If the Board of Directors does not appoint an Architectural Review Committee, then the Board of Directors shall perform the duties of the Architectural Review Committee.

#### *(b) Powers.*

(i) The Architectural Review Committee shall regulate the external design, signage, appearance and upkeep of the Property; provided, however, that neither the Architectural Review Committee nor the Board of Directors shall have the power to regulate the activities of the Declarant on the Common Area or any Lot owned by the Declarant or construction on any Lot which has been approved by the Declarant during the Declarant Control Period. Any policies, procedures or other rules and regulations adopted by the Architectural Review Committee are subject to the review and approval of the Board of Directors.

(ii) The Architectural Review Committee may from time to time adopt requirements regarding the form and content of plans and specifications to be submitted for approval. The Architectural Review Committee shall have the power to charge Owners reasonable application fees. Such fees shall be assessed against the Lots owned by the Owner making



application; provided, however, that the Committee shall inform the applicant Owner of the potential fees before incurring or assessing such fees and the Owner shall have the option to withdraw such Owner's application.

(iii) The Architectural Review Committee shall propose Design Guidelines for approval by the Board of Directors. Such Architectural Guidelines approved by the Board of Directors and as amended by the Board of Directors from time to time are hereby incorporated by this reference and shall be enforceable as if set forth herein in full. Any such guidelines are subordinate to the Governing Documents and are void to the extent they are inconsistent with the Governing Documents.

(iv) A Majority Vote of the Architectural Review Committee shall be required in order to take any action. The Architectural Review Committee shall keep written records of all its actions. Any action, ruling or decision of the Architectural Review Committee may be appealed to the Board of Directors by any party who appeared at a hearing with respect to such action, ruling or decision or who submitted a written protest prior to the action, decision or ruling or as otherwise determined by the Board and the Board may modify or reverse any such action, decision or ruling.

(c) *Authority.* The Architectural Review Committee shall have such additional duties, powers and authority as the Board of Directors may from time to time provide by resolution. The Board of Directors may relieve the Architectural Review Committee of any of its duties, powers and authority either generally or on a case-by-case basis. The Architectural Review Committee shall carry out its duties and exercise its powers and authority in the manner provided for in the Design Guidelines or other Rules and Regulations adopted by the Board of Directors or by resolution of the Board of Directors.

(d) *Time for Response: Variances.* The Architectural Review Committee shall act on all matters properly before it within thirty (30) days after submission of a complete application in the form prescribed by the Committee and failure to do so within the stipulated time shall constitute an approval by the Board of Directors of the proposed structure, addition, alteration or improvement. In the event a variance is requested, the application shall include a cover sheet stating in bold and in all capital letters that a variance is being requested. Upon such approval of any specific variance or exception from the requirements of the Architectural Guidelines, all development conforming to such variance or exception shall be deemed to comply.

(e) *Different Levels of Review.* It is hereby acknowledged that there may be different levels of review for each application received the Architectural Review Committee depending upon the scrutiny given each application by Town or county officials. The Architectural Review Committee may review and pass judgment upon applications in its sole and absolute discretion. At no time shall the review process applied to one applicant set a precedent for future applicants. Each application shall be reviewed on its own merits on a case by case basis.

**8.2 Initial Construction.** Initial construction on the Property shall be consistent with the Development Plan.



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**8.3 No Compensation of the Architectural Review Committee.** The Architectural Review Committee may not be compensated for their service on the Architectural Review Committee.

**8.4 Additions, Alterations or Improvements by the Owners.**

(a) *Approval Required.* No building, fence, sign or other structure, landscaping modifications, or improvement of any kind shall be commenced, erected or kept upon the Property, nor shall any exterior addition to or change or alteration therein be made (including, but not limited to, changes in color, changes or additions to driveways, parking areas or walkway surfaces and landscaping modifications) until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Architectural Review Committee. Owners' applications shall be either approved or disapproved within the time frames established under Section 8.1(d). Approval by the Architectural Review Committee shall in no way be construed as to pass judgment on the correctness of the location, structural design, suitability of water flow or drainage, location of utilities, or other qualities of the item being reviewed, nor shall such approval be substituted in lieu of applicable governmental approvals and permits or be deemed to constitute a determination as to compliance with local zoning ordinances, governmental guidelines or restrictions. Any exterior addition to or change or alteration made without application having first been made and approval obtained as provided above shall be deemed to be in violation of this covenant and the addition, change or alteration may be required by the Association to be restored to the original condition at the Owner's cost and expense. In any event, no such exterior addition to or change or alteration shall be made without approvals and permits therefore having first been obtained by the Owner from the applicable public authorities or agencies. In addition, no changes, alterations or additions may be constructed that are not in compliance with local zoning ordinances, governmental guidelines or restrictions.

(b) *National or Regional Chain.* Any National or Regional Chain may utilize its prototypical architectural design which is then being used in substantially all of its other stores. "National or Regional Chain" means a business organization (i) operating at least fifteen (15) retail stores throughout the United States or at least eight (6) retail stores within a single state of the United States, (ii) utilizing prototypical signage and exterior elevations on substantially all of its stores, and (iii) having a national or regional identity with the public at large. The architectural provisions of this Declaration and of the Design Guidelines shall not be applied in a manner that impairs the right of a National or Regional Chain to utilize its prototypical architectural design..

(c) *Certificate of Compliance.* Upon completion of any construction or alterations or other improvements or structures in accordance with plans and specifications approved in accordance with this Article, the Architectural Review Committee shall, at the request of an Owner, issue a certificate of compliance, which shall be *prima facie* evidence that with respect to such Owner's Lot, the construction, alteration or other improvements referenced in such certificate have been approved in full compliance with this Article and with such other provisions and requirements of the Association as may be applicable.

(d) *Limitations.* The provisions of this Section shall not apply to Lots owned by the Declarant or to improvements on any Lot if such improvements have been approved by the

Declarant during the Declarant Control Period. The Declarant or an Owner, if approval was obtained from the Declarant during the Declarant Control Period, shall have the right to construct improvements or make alterations without the approval of the Board of Directors or the Architectural Review Committee; provided, however, that the Declarant shall, upon written request of the Board, provide the Association with written confirmation that the Owner in question did in fact obtain the Declarant's approval during the Declarant Control Period for the improvements or alterations then existing on such Owner's Lot.

## **9. INSURANCE**

**9.1 Insurance.** The Association shall obtain insurance for all insurable improvements in the Common Area (if any) and for other improvements which the Association is obligated to maintain to cover loss or damage by fire or other hazards, including extended coverage, vandalism and malicious mischief, and in amounts sufficient to cover the full replacement cost of any repair or reconstruction in the event of damage or destruction from any such hazard. The Association shall obtain a public liability policy covering the Association for all damage or injury caused by the negligence of the Association. The public liability policy shall have a combined single limit per event of at least \$2,000,000.00 and a general aggregate limit of at least \$5,000,000.00. The Association shall obtain fidelity insurance coverage in reasonable amounts as determined by the Board to be adequate to protect against dishonest acts on the part of directors, officers, trustees and employees of the Association and all others who handle or are responsible for handling funds of the Association, including the managing agent and volunteers. If the Association has delegated some or all of the responsibility for handling funds to a managing agent, such managing agent shall be covered by its own fidelity insurance and shall provide to the Association evidence of such insurance; however the Board may determine to purchase additional fidelity coverage for the managing agent as well. Such fidelity coverage shall contain waivers of any defense based upon the exclusion of Persons who serve without compensation from any definition of "employee" or similar expression. Exclusive authority to adjust losses under policies obtained by the Association shall be vested in the Board of Directors. In no event shall the insurance coverage obtained and maintained by the Association hereunder be brought into contribution with insurance purchased by individual Owners, occupants of Lots or their Mortgagees, and the insurance carried by the Association shall be primary. The Board may purchase such other insurance as it determines is necessary or advisable as a Common Expense.

## **10. RECONSTRUCTION AND REPAIR**

**10.1 Casualty Damage on Common Area.** If any improvement on the Common Area is damaged or destroyed by fire or other casualty, the Association shall promptly repair and restore such improvement. However, if the damage is insubstantial, the Association may remove all remnants of the damaged improvements and restore the site thereof to an acceptable condition compatible with the remainder of the Property. The Association shall not use the proceeds of casualty insurance received as a result of damage or destruction of such improvements for other than the repair or restoration of such improvements, except that proceeds for insubstantial damage that is not repaired may be placed in a reserve account.

**10.2 Casualty Damage on Lots.** If a building or other major improvement located upon a Lot is damaged or destroyed by fire or other casualty, the Owner of the Lot on which the building



# TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

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## Consideration of Appointment of Aspen Dufour to the Youth Advisory Commission

---

**Agenda Date:** Town Board Meeting - August 26, 2014

**Attachments:** a. Application from Aspen Dufour

**Finance Review:**

\_\_\_\_\_  
Finance Director

**Submitted by:**

  
\_\_\_\_\_  
Megan Williams, Community Relations Manager

**Approved for Presentation:**

  
\_\_\_\_\_  
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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**Summary Statement:**

The Youth Commission currently has three vacancies for the current school year. Frederick High School student, Aspen Dufour, meets the requirements set forth for an appointment to the Youth Commission.

**Detail of Issue/Request:**

Please see above.

**Legal/Political Considerations:**

N/A

**Alternatives/Options:**

Option A: Appoint the applicant to the commission.  
Option B: Do not appoint the applicant to the commission.

Built on What Matters.

**Financial Considerations:**

N/A

**Staff Recommendation:**

Staff recommends appointing Aspen Dufour to the Youth Commission.



# BOARD, COMMITTEE AND COMMISSION APPLICATION

APPLICATION FOR APPOINTMENT TO: Youth Commission  
(Name of Board, Committee or Commission)

Name: Casper Duda

Home Address: 4900 Wren Ct. Frederick CO

Mailing Address: 4900 Wren Ct. Frederick CO

EMAIL Address: Casper.Duda@icloud.com Phone: 720 215 5794

Occupation: Student Employer: N/A Phone: 720 215 5794

EDUCATION: Years Completed: 18 College(s): N/A Degree(s): N/A

Special Qualifications for Serving: I volunteer alot for the town. Also

I have good people skills

Why do you desire this appointment? I grew up in Frederick and I would

like to have a voice.

How much time are you able to devote to fulfill the obligation of appointment? meetings as necessary

Do you presently serve on a Board or Commission for any other government entity?

If yes, please list Board and entity:

Where did you hear of this vacancy? My older brother is on the Youth Commission

We will keep your application on file for one year from the date of your application. If you are not appointed to this Board/Committee/Commission would you like us to resubmit your application for future vacancies?

## Town of Frederick Board/Committee/Commission Applicants Conflict of Interest Disclosure

Several state laws and municipal ordinances prohibit conflicts of interest on the part of Town Boards and Commission members. A member of a Board/Committee/Commission shall not perform an official act that may have an economic benefit on a business or other undertaking (whether or not for profit) in which the member has a direct or substantial financial interest. Board/Committee/Commission members must not be interested in any contract made in their official capacities; or make by any other body, agency or board of which they are members or employees.

### ALL BOARD/COMMITTEE/COMMISSION APPLICANTS

Do you have any direct or indirect financial or economic interest in any business or other undertaking (whether or not for profit) that may have business coming before the Board/Committee/Commission for which you have applied?

If yes, please describe that interest in the space immediately below (if you need additional space, please attach additional sheets)

If desired, please submit a letter of application or resume with this application

This application is subject to the Colorado Open Records Act and should not be considered confidential.

Signature: [Signature] Date: 8/6/14

Town Clerk's Office Use Only  
Application Received Date:



# TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

---

## Consideration of Appointment of Nikayta Neu to the Youth Advisory Commission

---

**Agenda Date:** Town Board Meeting - August 26, 2014

**Attachments:** a. Application from Nikayta Neu


**Finance Review:**

\_\_\_\_\_  
Finance Director

**Submitted by:**

  
\_\_\_\_\_  
Megan Williams, Community Relations Manager

**Approved for Presentation:**

  
\_\_\_\_\_  
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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**Summary Statement:**

The Youth Commission currently has three vacancies for the current school year. Frederick High School student, Nikayta Neu, meets the requirements set forth for an appointment to the Youth Commission.

**Detail of Issue/Request:**

Please see above.

**Legal/Political Considerations:**

N/A

**Alternatives/Options:**

Option A: Appoint the applicant to the commission.  
Option B: Do not appoint the applicant to the commission.

Built on What Matters.

**Financial Considerations:**

N/A

**Staff Recommendation:**

Staff recommends appointing Nikayta Neu to the Youth Commission.





BOARD, COMMITTEE AND COMMISSION APPLICATION

APPLICATION FOR APPOINTMENT TO: Town of Frederick Youth Commission  
(Name of Board, Committee or Commission)

Name: Nikayla New  
Home Address: 16370 Devonshire St  
Mailing Address: 16370 Devonshire St  
EMAIL Address: nikayla1@live.com Phone: 720-838-0251  
Occupation: \_\_\_\_\_ Employer: \_\_\_\_\_ Phone: \_\_\_\_\_  
EDUCATION: Years Completed: \_\_\_\_\_ College(s): \_\_\_\_\_ Degree(s): \_\_\_\_\_  
Special Qualifications for Serving: I am really involved with my school because of sports and am a leader.  
Why do you desire this appointment? I really want to help out my community and have seen them and want to be apart of it.  
How much time are you able to devote to fulfill the obligation of appointment? 24 hours/month  
Do you presently serve on a Board or Commission for any other government entity? NO  
If yes, please list Board and entity: \_\_\_\_\_  
Where did you hear of this vacancy? From my sister and her friend  
We will keep your application on file for one year from the date of your application. If you are not appointed to this Board/Committee/Commission would you like us to resubmit your application for future vacancies? Yes

Town of Frederick  
Board/Committee/Commission Applicants  
Conflict of Interest Disclosure

Several state laws and municipal ordinances prohibit conflicts of interest on the part of Town Boards and Commission members. A member of a Board/Committee/Commission shall not perform an official act that may have an economic benefit on a business or other undertaking (whether or not for profit) in which the member has a direct or substantial financial interest. Board/Committee/Commission members must not be interested in any contract made in their official capacities; or make by any other body, agency or board of which they are members or employees.

ALL BOARD/COMMITTEE/COMMISSION APPLICANTS

Do you have any direct or indirect financial or economic interest in any business or other undertaking (whether or not for profit) that may have business coming before the Board/Committee/Commission for which you have applied? NO  
If yes, please describe that interest in the space immediately below (if you need additional space, please attach additional sheets)

If desired, please submit a letter of application or resume with this application  
This application is subject to the Colorado Open Records Act and should not be considered confidential.

Signature: Nikayla New Date: 5-1-14

Town Clerk's Office Use Only  
Application Received Date: 5-1-14



# TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Tony Carey, Mayor

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

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## CONSIDERATION OF THE MASTER PLANS FOR CENTENNIAL PARK AND FREDERICK RECREATION AREA

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**Agenda Date:** August 26, 2014

**Attachments:**

- a. Frederick Recreation Area Master Plan
- b. Centennial Park Master Plan
- c. Resolution 14-R-28

**Finance Review:** \_\_\_\_\_  
Finance Director

**Submitted by:** \_\_\_\_\_  
Jennifer Simmons  
Planning Director

**Approved for Presentation:** \_\_\_\_\_  
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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### **Summary Statement:**

The master planning process for Frederick Recreation Area and Centennial Park has been underway since late 2013.

### **Detail of Issue/Request:**

**Why Master Plan?** Master plans create the vision for an area. With limited funding for improvements, plans must be broken into phases in order to construct the park one area at a time. The master plan provides the over-arching ideas to be achieved, making sure all the pieces fit and work together.

**Background:** The Board of Trustees directed staff to complete master plans on both Centennial Park and Frederick Recreation Area. This process began in 2013 with the Parks, Open Space, and Trails Commission brainstorming ways to gather public input.

**Built on What Matters.**

At the Miners' Day Event held in September 21, 2013, the Commission hosted a tent to gather input by using a visual preference survey. Participants in the survey were given two sets of three dots (1<sup>st</sup> choice was a red dot, 2<sup>nd</sup> choice was a yellow dot, and 3<sup>rd</sup> choice was a green dot) to indicate the three park elements they'd most like to see in each park. They were then asked to place their dots on the pictures of varying park elements to "vote" for what they'd like to see implemented in the master plan for each park. There were about 156 participants in this survey.

The Commission then created a survey that was posted online for individuals to complete. This online survey was open to both residents and non-residents. The survey did ask if the participant was a resident of the Town.

Commission members and staff also took paper versions of this survey to individual groups and requested their feedback. We attended home owners' association meetings, the senior luncheon, and high school classes to obtain opinions from a wide range of perspectives. Three hundred twelve completed surveys were received and provided great insight into the desires of the community.

Why approve a master plan? Approval of the master plans is an important step. It provides staff and the community with the vision that is approved by the elected officials. It is also used to support a request for grant funding by showing that the ideas are well thought out and supported by the community. While you may choose to approve this master plan, it can change in the future as the needs, desires, and vision of the community change.

**Legal/Political Considerations:**

Not Applicable.

**Alternatives/Options:**

The Board of Trustees may choose to change any element of the proposed master plans.

**Financial Considerations:**

Consideration of the master plans does not have any immediate financial considerations. This project was completed under budget. However, going forward, the construction and maintenance of these parks will have financial considerations to be considered at the appropriate time.

**Staff Recommendation:**

Staff recommends approval of the attached resolution, approving the master plans for Centennial Park and Frederick Recreation Area.



# Frederick Parks Redevelopment

Recreation Area Plan

8-12-2014



**UTA**  
UNIVERSITY  
TECHNICAL  
ASSISTANCE



Colorado Center  
for Community Development  
COLLEGE OF ARCHITECTURE AND PLANNING  
UNIVERSITY OF COLORADO DENVER





# Frederick Parks Redevelopment

Centennial Park Plan

8-12-2014



**UTA**  
UNIVERSITY  
TECHNICAL  
ASSISTANCE



Colorado Center  
for Community Development  
COLLEGE OF ARCHITECTURE AND PLANNING  
UNIVERSITY OF COLORADO DENVER

**RESOLUTION NO. 14-R-28**

**A RESOLUTION ACCEPTING AND RECOMMENDING APPROVAL OF  
THE MASTER PLANS FOR CENTENNIAL PARK AND FREDERICK  
RECREATION AREA WITHIN THE TOWN OF FREDERICK**

**WHEREAS**, the Town engaged the University Technical Assistance Program at Colorado Center for Community Development (CCCD) to assist with the creation of master plans for both Centennial Park and Frederick Recreation Area, beginning in April 2014, in order to assist the Town to formulate, a publicly supported, master plan for Centennial Park and Frederick Recreation Area, consistent with the Town of Frederick's Parks, Open Space, and Trails Master Plan; and

**WHEREAS**, CCCD has utilized the results of multiple public outreach efforts conducted by the Town staff and the Parks, Open Space, and Trails Commission in preparing the final versions of the master plans; and

**WHEREAS**, in accordance with the framework for adoption of master plans, the Board of Trustees endorses the final version Centennial Park Master Plan and the Frederick Recreation Area Master Plan.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE  
TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1.** The Board of Trustees accepts the master plans for Centennial Park and Frederick Recreation Area, in support of the existing Parks, Open Space, and Trails Master Plan as incorporated into the Town of Frederick Comprehensive Plan, to provide for orderly development parks, open spaces, and trails in the Town.

**Section 2. Effective Date.** This resolution shall become effective immediately upon adoption.

**Section 3. Repealer.** All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

**Section 4. Certification.** The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED AND ADOPTED THIS 26<sup>TH</sup> DAY of AUGUST 2014.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Meghan C. Martinez, Town Clerk

By \_\_\_\_\_  
Tony Carey, Mayor



# TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Tony Carey, Mayor

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

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## To Consider a Resolution of Intent to Annex for the Peterson Annexation

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**Agenda Date:** August 26, 2014

**Attachments:**

- a. Petition for Annexation
- b. Applicant's letter of intent
- c. Resolution
- d. Vicinity Map

**Finance Review:**

\_\_\_\_\_  
Finance Director

**Submitted by:**

\_\_\_\_\_  
Chris Kennedy  
Planner III

**Approved for Presentation:**

  
\_\_\_\_\_  
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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**Summary Statement:**

The Peterson Annexation has been reviewed by staff and referral agencies and been found sufficient to move forward with hearings on annexation and zoning. The following hearing dates will meet State Statute requirements for public hearings:

- Planning Commission, September 16, 2014, 7:00 p.m.
- Board of Trustees, October 14, 2014, 7:00 p.m.

**Detail of Issue/Request:**

Mr. Rustin Peterson has requested annexation of the two adjacent lots that make up his property located at 7330 and 7352 County Road 11 (shown as Lot A and Lot B) approximately 1/3 of a mile north of Tipple Parkway/CR 16 and adjacent to Silver Birch Blvd/CR 11. The two lots represent a combined

**Built on What Matters.**

property area of 9.721 acres. The property (including both lots) meets the contiguity requirements established by State Statute via its western boundary of 677.97 feet being adjacent to the existing Town boundary represented by Silver Birch Blvd/CR 11. The property's total boundary is 2,604.94 feet, 26% of which is contiguous with existing Town boundary, thereby surpassing the required minimum of at least 1/6 (16.7%) contiguity, which would be 434.16 feet.

The application is in substantial compliance with the applicable requirements and eligible for annexation. Therefore, in accordance with Article 13.5.1.a of the Land Use Code, the Board of Trustees may, by the adoption of a resolution of intent to annex, set the annexation and zoning for public hearing before the Board of Trustees on a specified date, time and place, not less than thirty days nor more than sixty days from the effective date of the resolution, subject to compliance with Section 31-12-108, C.R.S. Section 107 and 108.

### **Legal/Political Considerations:**

Eligibility for annexation shall be determined by conformity with the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended and as determined by the Board of Trustees in its sole discretion. Furthermore, in accordance with the provisions of the Land Use Code, the Board of Trustees may annex the land by ordinance without election, upon making findings pursuant to Section 31-12-110.

Authorization to proceed in scheduling public hearings for the proposed annexation and zoning does not obligate the Town to annex the site or vest any particular use. This authorization establishes the review schedule and determines the public hearing dates for the proposed annexation.

There are specific public notice requirements for annexations that will be met in accordance with the recommended hearing schedule. The annexation and zoning of the site is subject to review and approval through the applicable process as outlined in the Town's Land Use Code and governed by State law.

### **Alternatives/Options:**

The Board may authorize the request, deny the request, or make modifications per Section 31-12-112 based on any new information to further the intent of the Code and accommodate the unique features and circumstances of the site.

The proposed hearing dates comply with the public notice provisions of the Land Use Code.

### **Financial Considerations:**

Not Applicable.

### **Staff Recommendation:**

Staff recommends approval of the attached Resolution setting the hearing dates as follows:

- Planning Commission, September 16, 2014, 7:00 p.m.
- Board of Trustees, October 14, 2014, 7:00 p.m.



## PETERSON ANNEXATION

### PETITION FOR ANNEXATION TO THE TOWN OF FREDERICK

DATE: (5\12\2014)

TO: THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO.

I, Rustin D. Peterson, the undersigned landowner, in accordance with Colorado law, hereby petition the Town of Frederick and its Board of Trustees for annexation to the Town of Frederick of the following described unincorporated territory located in the County of Weld and State of Colorado, to-wit:

*Part S  $\frac{1}{2}$  N  $\frac{1}{2}$  W  $\frac{1}{2}$  W  $\frac{1}{2}$  SW  $\frac{1}{4}$  Section 25  
T. 2 N., R. 68 W., 6<sup>th</sup> P.M., Weld County, CO*

As part of this petition, your petitioner further states to the Board of Trustees of Frederick, Colorado, that:

1. It is desirable and necessary that the territory described ("above" or "in Exhibit A") be annexed to the Town of Frederick.
2. The requirements of C.R.S. sections 31-12-104 and 31-12-105, as amended, exist or have been met in that:
  - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Frederick or will be contiguous with the Town of Frederick within such time as required by 31-12-104.
  - b. A community of interest exists between the area proposed to be annexed and the Town of Frederick.
  - c. The area proposed to be annexed is urban or will be urbanized in the near future.
  - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Frederick.
  - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written

consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road or other public way.

- f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, comprises twenty acres or more, and which,, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
- g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
- h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
- i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Frederick more than three miles in any direction from any point of the boundary of the Town of Frederick in any one year.
- j. Prior to completion of the annexation of the territory proposed to be annexed, the Town of Frederick will have in place a plan for that area, which generally describes the proposed: Location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town of Frederick; and the proposed land uses for the area; such plan to be updated at least once annually.
- k. In establishing the boundary of the territory proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed.  
The Town of Frederick will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Frederick but is not bounded on both sides by the Town of Frederick.

3. The owners of more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this petition and hereby petition for annexation of such territory.

4. Accompanying this petition are four copies of an annexation map containing the following information:

- a. A written legal description of the boundaries of the area proposed to be annexed;
- b. A map showing the boundary of the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
- c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
- d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Frederick and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.

5. Upon the Annexation Ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, rules and regulations of the Town of Frederick, except for general property taxes of the Town of Frederick which shall become effective as the January 1 next ensuing.

6. The zoning classification requested for the area proposed to be annexed is Commercial Employment (C-E)

WHEREFORE, the following petitioner respectfully requests that the Town of Frederick, acting through its Board of Trustees, approve the annexation of the area proposed to be annexed. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.

RECORD OF LAND OWNERSHIP AND DATED SIGNED

Please print

Landowner/Petitioner: Rustin D. Peterson

Mailing Address: 7330 Silver Birch Blvd. Longmont, CO  
80504

Date: 5-1-2014

Legal Description of Land Owned:

EXHIBIT A  
Peterson Annexation

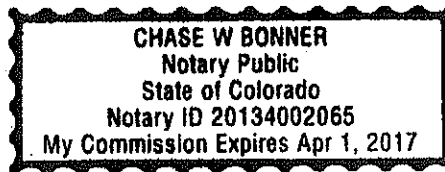
**Legal Description:**

Part S  $\frac{1}{2}$  N  $\frac{1}{2}$  W  $\frac{1}{2}$  W  $\frac{1}{2}$  SW  $\frac{1}{4}$  Section 25  
T. 2 N., R. 68 W., 6<sup>th</sup> P.M., Weld County, CO

STATE OF COLORADO) )ss.  
COUNTY OF )

Rustin D. Peltier  
Circulator

STATE OF COLORADO) )ss.  
COUNTY OF )



The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of April, 2014 by Fortin D. Peterson

My commission expires: Apr 1, 2017

**Witness My Hand and Official Seal.**

Christ W. Bonner  
Notary Public

May 5, 2014

Dear Town of Frederick,

This letter is in request to become annexed and zoned into the town of Frederick. As the town expands and grows, I would like to keep up with the community interests and plans by preparing for growth in the area.

Please allow the annexation and rezoning to commercial use.

Thank you,

A handwritten signature in cursive script, appearing to read "Rustin D. Peterson".

Rustin D. Peterson

## **RESOLUTION NO. 14-R-33**

### **A RESOLUTION OF INTENT TO ANNEX CERTAIN PROPERTIES IN WELD COUNTY, COLORADO TO THE TOWN OF FREDERICK, SAID ANNEXATION TO BE KNOWN AS THE “PETERSON ANNEXATION”**

**WHEREAS**, petitions for annexation of certain properties have been filed with the Board of Trustees of the Town of Frederick by Rustin Peterson; and

**WHEREAS**, the Board of Trustees has reviewed the petitions; and

**WHEREAS**, the Board of Trustees wishes to permit simultaneous consideration of the two (2) subject properties for annexation and zoning, as requested in the petition; and

**WHEREAS**, the Board of Trustees has reviewed the petitions and desires to adopt by Resolution its findings in regard to the petitions;

### **BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. The petitions, whose legal descriptions are attached hereto as Exhibit A and incorporated by reference herein, are in substantial compliance with the applicable laws of the State of Colorado.

Section 2. No election is required under C.R.S. §31-12-107(2).

Section 3. No additional terms and conditions are to be imposed except those provided for in the petitions.

Section 4. The Board of Trustees will hold a public hearing for the purpose of determining if the proposed annexations comply with C.R.S. §31-12-104, and with C.R.S. §31-12-105, and will hold a public hearing to determine the appropriate zoning of the subject properties as requested in the petitions, at the Frederick Town Hall, 401 Locust, Frederick, Colorado 80530, at the following time and date:

7:00 P.M., October 14, 2014

Section 5. Any person may appear at such hearing and present evidence relative to the proposed annexations or the proposed zoning.

Section 6. Upon completion of the hearing, the Board of Trustees shall set forth, by resolution, its findings and conclusions with reference to the eligibility of the proposed annexations, and whether the statutory requirements for the proposed annexations have been met, and further, will determine the appropriate zoning of the subject property if requested in the petition.

Section 7. If the Board of Trustees concludes, by resolution, that all statutory requirements have been met and that the proposed annexations are proper under the laws of the State

of Colorado, the Board of Trustees shall pass one or more ordinances annexing the subject property into the Town of Frederick, and shall pass one or more ordinances zoning the subject property if requested in the petition.

**INTRODUCED, READ, PASSED, AND SIGNED THIS 26<sup>th</sup> DAY OF AUGUST, 2012.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Meghan Martinez, Town Clerk

By \_\_\_\_\_  
Tony Carey, Mayor



## **EXHIBIT A**

### **Legal Description of Peterson Annexations**

Lot A and Lot B of the Recorded Exemption No. 1313-25-3 RE-4157 recorded September 30, 2005 as Reception No. 3327675 of the Records of Weld County excepting therefrom any portion thereof being included within the Weld County Road 11 Annexation and Rezone No. 4 to the Town of Frederick recorded December 30, 2009 as Reception No. 3667688 of the Records of Weld County and being situate in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section Twenty-five (25), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado.

Said described parcel of land contains a total of 9.721 acres, more or less.



# TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem  
Rafer Burnham, Trustee  
Fred Skates, Trustee

Amy Schiers, Trustee  
Gavin Payne, Trustee  
Donna Hudziak, Trustee

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## Authorizing the Town Manager to Execute a Contract for the Pilot Project Implementing an AMI Meter Reading System

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**Agenda Date:** Town Board Meeting - August 26, 2014

**Attachments:**

- a. Bid quotes received from service providers
- b. Spreadsheet Providing Uniform Cost Comparison
- c. Electric Reads and Shut-Off Cost Analysis
- d. Resolution 14-R-31

**Finance Review:**

\_\_\_\_\_  
Finance Director

**Submitted by:**

  
\_\_\_\_\_  
Town Manager

**Approved for Presentation:**

  
\_\_\_\_\_  
Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

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**Summary Statement:**

This item is requesting approval by the Board to initiate a pilot project for an Advanced Metering Infrastructure (AMI) system for the Town's electrical utility.

**Detail of Issue/Request:**

The Town currently owns and operates a portion of the electrical distribution system in the incorporated areas of the Town of Frederick. Our current system includes approximately 2000 meters and the meters are currently being read manually through a third party contract. Manual reading system is an archaic process that has the potential for human errors, takes a substantial amount of time, requires allocation of substantial resources and direct oversight, and is not a cost effective process. The process is very tedious to ensure that all meters are read accurately in the manual reading system. As part of our transition in

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operating the electric distribution system for Frederick Power & Light, we have been exploring the need to make our processes more efficient and cost effective. This will help to ensure more stable and lower rates for our customers. One of the easiest methods in which we can achieve this is by converting our antiquated analog manual meter reading system to an AMI system. This change will introduce a cutting edge, but proven technology enhancement for our customers and the service we provide to our customers. This will enable us to get real-time usage of the meter readings at the end of the billing cycle at a 99.5% success rate on the first read and 100% within one day's time. This change will help reduce costs not only through services provided by our third party contract, but also by reduction of internal costs associated with double checking the meter reads for accuracy, and having meters reread.

The AMI system also notifies us of outages in the system so we can reduce outage time if it occurs and to perform remote disconnects for delinquent payments. Customers will be able to go online and view their usage on a daily basis or virtually any interval they may desire to analyze. The result is that customers become more conscious users of their power. In the end this service will help reduce our costs in the long-term and provide better customer service to the citizens – again, helping us move to a more stable and lower rate structure for our customers.

Based on the proposed project, we do not anticipate any increase to the customer's rate for this service. This item is not budgeted, but since our change in O & M contract providers from United Power we have seen a substantial savings and consequently have available funds in the current budget to implement a pilot program of approximately 500 meters. If the pilot program is successful we would propose to roll out the remaining balance to the AMI system in 2015 inclusive of the areas we are working to acquire from United Power. This system has been successfully implemented in many locations across the U.S. and even by our neighbors Fort Collins to the north whom we have communicated with to about their successes in the project implementation.

We have provided for the Board an analysis of the costs expended thus far with the current system we have in place since the beginning of the year to provide a benchmark on the costs incurred. Although the initial capital outlay for this project may appear expensive, we believe the payback on the 500 meter system will be realized in less than 8 years.

Enclosed are the three (3) bids we received and we have attempted to normalize the line items as close as possible to accurately compare the prices and services of each vendor. We worked in concert with Finance and IT internally as well as our external electrical engineering teams to determine the preferred vendor. Based on the services provided and the cost of the services, we are proposing to move forward with Elster Solutions, LLC.

### **Legal/Political Considerations:**

The company is based in North Carolina and the contract is specifically subject to the laws of North Carolina. I am not licensed in North Carolina and can express no opinion as to how those laws may impact the Town except that they do require indemnification which under Colorado law we cannot provide and should be deleted.

### **Alternatives/Options:**

1. The Board may elect to do a smaller pilot program.
2. The Board may choose not to implement the AMI system and continue with the manual reading system that we currently have in place.

**Financial Considerations:**

Although the initial capital outlay for this project may appear expensive, we believe the payback on the 500 meter system will be realized in less than 8 years.

**Staff Recommendation:**

Staff recommends approval of the resolution which would permit for execution of the contract with Elster Solutions LLC upon approval of the contract terms in concert with the Town Attorney to begin implementation of the pilot program.

**Elster EnergyAxis™ Advanced Metering Infrastructure**

Elster Managed Services - Price Proposal for Town of Frederick, CO

**Hardware**

Item #	Description	Qty	Unit Price	Ext.Price
1	REX2 with EA_LAN (Form 2S with disconnect, \$33 adder over basic REX2)	2,000	\$112.00	\$224,000
2	A3TL with EA_LAN (Form 16S, 4-wire wye; 4-wire delta, 30 test amp, Class 200)	0	\$257.00	\$0
<b>Subtotal - Electric Meters</b>				<b>\$224,000</b>
<b>Optional Price adder(s) to base electric meters</b>				
	Price adder for A3TL: Reactive energy measurement ('R')	TBD	\$25.00	--
	Price adder for A3TL: Apparent energy measurement ('K')	TBD	\$25.00	--
	Price adder for A3TL: Advanced Metering - 6 quantities ('A')	TBD	\$25.00	--
	Price adder for A3TL: Instrumentation profile ('N')	TBD	\$45.00	--
	Price adder for A3TL: PQM enabled ('Q')	TBD	\$15.00	--
	Price adder for A3TL: Transformer loss compensation ('C')	TBD	\$150.00	--
	Price adder for A3TL: 2 relays to cable	TBD	\$38.00	--
	Price adder for A3TL: 4 relays to cable	TBD	\$46.00	--
3	EA_Water Module V3 - Pit Mount with in-line (NICOR) connector	0	\$78.00	\$0
4	Pit cover lid mounting kit	0	\$3.00	\$0
<b>Subtotal - AMI Hardware Water</b>				<b>\$0</b>
<b>Optional replacement pit lid pricing</b>				
	Round, 15" dia, with Penta bolt and Spring Lock, H20 load rating	TBD	\$27.11	--
	Rectangular, 10" x 15", H20 load rating	TBD	\$17.63	--
	Oval, 10" x 16", complete with spring lock, H20 load rating	TBD	\$16.02	--
	Rectangular, 9" X 14", no lock, rebar reinforced, H20 load rating	TBD	\$13.03	--
5	EA Modular Gatekeeper (Ethernet,Battery,Remote Ant,Polycarb NEMA4x)	3	\$2,950.00	\$8,850
6	Sierra Wireless GX440 Installation Kit	3	\$225.00	\$675
7	Sierra Wireless GX440 modem (Verizon)	3	\$650.00	\$1,950
<b>Subtotal - AMI Network Infrastructure</b>				<b>\$11,475</b>
8	EA Inspector/Installer Dual Load Handheld (RADIX with SCANNER AND GPS)	1	\$8,160.00	\$8,160
<b>Subtotal - AMI Network Tools</b>				<b>\$8,160</b>
<b>Optional FOB Destination Shipping Terms</b>				
	Price Adder for AMI System Hardware	All hardware	2.0%	--

**Managed Services**

Item #	Description	Qty	Unit Price	Ext.Price
9	Managed Services Setup Fee (One-time, per meter)	2,000	\$0.75	\$1,500
10	Managed Services Annual Fee	2	\$10,000.00	\$20,000
11	Est. Monthly Recurring Fee for Managed Services	24	\$587.71	\$14,105
<b>Subtotal - Managed Service Fees</b>				<b>\$35,605</b>
<b>Optional Consumer Energy Portal (CEP) Pricing</b>				
	Consumer Energy Portal Setup Fee (One Time)	1	\$2,500.00	\$2,500
	CEP Annual Fee	2	\$1,075.00	\$2,150
	Est. Monthly Recurring Fee for Utility-branded CEP	24	\$151.67	\$3,640
<b>Subtotal - Consumer Energy Portal Fees</b>				<b>\$8,290</b>
<b>Optional HEALTHMAP Module Fees</b>				
	HEALTHMAP Module Setup Fee (One-time)	1	\$10,000.00	\$10,000
	HEALTHMAP Module Annual Fee	2	\$5,400.00	\$10,800
	Est. Monthly Recurring Fee for HEALTHMAP Module	24	\$341.25	\$8,190

*Subtotal - HEALTHMAP Module Fees*

*\$28,990*

Program Delivery				
Item #	Description	Qty	Unit Price	Ext.Price
12	AMI Project Delivery Services <i>Project Management</i> <i>Geo-mapping and Gatekeeper Placement</i> <i>Field Services Support/Logistics</i>	1	\$54,200.00	\$54,200
13	Est. Travel & Living Expenses (Elster) <b>Subtotal - AMI Project Delivery Services</b>	1	\$5,000.00	<u>\$5,000</u> <b>\$59,200</b>
14	Standard integration to Utility CIS <b>Subtotal - Professional Services</b>	1	\$15,000.00	<u>\$15,000</u> <b>\$15,000</b>

Maintenance				
Item #	Description	Qty	Unit Price	Ext.Price
15	AMI System Maintenance Fee (Elster SMA)	1	<i>Included</i>	--
16	Equipment Maintenance Fee: EA Inspector/Installer Handheld <b>Subtotal - Maintenance</b>	2	\$895.00	<u>\$1,790</u> <b>\$1,790</b>

**Total - Hardware, Managed Services, Program Delivery, and Maintenance**

**\$355,230**

#### Pricing Notes and Assumptions

All pricing should be considered budgetary and non-binding to Elster and its partner(s).

Pricing for AMI system hardware does not include sales tax.

Hardware pricing is FOB Origin, freight prepaid. FOB Destination, freight prepaid is available at a 2% adder.

Elster's LAN/WAN network is designed to provide full meter device connectivity and is backed by Elster's network design guarantee. The design is based on customer supplied GPS site locations or postal service addresses. To allow for variances in data accuracy or completeness Elster has provided a network design reserve. If during deployment it is determined that additional network equipment is required, the reserve shall cover the cost of such equipment. This cost, however, is not billed to the client unless used. Any additional equipment required beyond the reserve will be furnished by Elster at its expense.

All Managed Service, CEP, and HEALTHMAP Module fees assume 24 month contract.

Monthly recurring fee for Managed Services calculated as cumulative # of AMI endpoints (2,000) X \$0.31 per endpoint.

Monthly recurring fee for CEP calculated as cumulative # of AMI endpoints (2,000) X \$0.08 per endpoint.

Monthly recurring fee for HEALTHMAP module calculated as cumulative # of electric meters (2,000) X \$0.18 per meter.

#### **The Elster Managed Services solution includes the following:**

- > Ongoing firmware maintenance of Elster electric meters and EA\_Gatekeepers
- > Daily and on-demand meter data collection
- > Meter communication troubleshooting
- > Support for all Elster electric meters, EA\_Water and EA\_Gas modules
- > Meter data availability in CMEP, XML, and CSV file formats
- > Storage of historical data for 1 year
- > Standard 5x9 support during normal 8am to 5pm EST business hours
- > Daily data backup to standby mirrored server
- > Disaster recovery support
- > Validate, Estimate and Edit (VEE) of consumption data from meters for customer's CIS Billing system
- > Processing and storage of meter data in the data center - Data includes Load Profile Data, Register Read Data, Alerts, Events, Statuses, Instrumentation Values
- > Automated delivery of validated consumption data to customer's CIS Billing system via secure FTP folder
- > Secure access to the Utility Energy Portal (UEP) MDM web portal

#### **The Utility Energy Portal (UEP) MDM is a web portal for utility operations staff. UEP supports the following features:**

- > On Request Reads
- > Remote Disconnect/Connect (for meters with the disconnect function)
- > Communication path analysis
- > Ad-hoc search for meters on a map

- > Standard Reports such as
  - Overall performance of AMI meter reads per billing cycle
  - Detailed statistics of AMI meter reads per billing cycle or per gatekeeper
  - Ad-hoc data export per billing cycle or data range
- > Data aggregation per region, per community, etc.
- > Streamlining and automation of Validation, Estimation, Editing, Reporting, Web Presentment, and Data Delivery

**The Consumer Energy Portal (CEP) is a customer engagement portal application offered as an option under the Elster Managed Services bundle. It supports the following features:**

- > Secure web interface for end use residential customers built on a foundation of point and click navigation
- > Secure mobile application supports Apple iPhone and Google Android smart phones.
- > Meaningful reports (graphs and data tables) for data collected by EnergyAxis head-end
- > Interval, TOU, and cumulative usage data
- > Validated, Estimated, and Edited data to the end customer that is consistent with CIS billing data system of record
- > TOU program trials and customer awareness campaigns
- > Supports electric, water or gas data in any format required by CIS
- > Allows the customer to run "what if " scenarios to support conservation initiatives
- > Sends alert to customer if energy cost exceeds budget for billing cycle
- > Predicts energy cost for next billing cycle on weekly basis
- > Sends email of predicated cost to customer at user-defined frequency.

**The HEALTHMAP module is a network operations portal application offered as an option under the Elster Managed Services bundle. With HEALTHMAP, utility operations staff can perform the following:**

- > View the state of the entire network, down to distribution transformers and service points
- > Monitor load and voltage at feeders, distribution transformers and customer meters
- > Automatically record load and voltage history on a graph for immediate reference
- > Receive an email alert when load or voltage exceeds a threshold
- > Detect network events, such as under voltage, over voltage and power outages
- > Determine the likely cause and its location on a map
- > Isolate the event and communicate resolution to your stakeholders on a map
- > Substantiate decisions with historical evidence
- > With HEALTHMAP, the following network features can be measured in near real-time:
  - Power Outage
  - Under/Over Voltage
  - Transformer Load
  - Network Loss

**Standard integration to customer CIS includes the following:**

- > up to three file types (Interval data, TOU data, Register Reads) delivered in a mutually agreeable flat file format. Commonly acceptable flat file formats include XML, CSV and CMEP.
- > layout of fields of flat file to comply with flat tile import specification of Customer's CIS Billing system.
- > setup of automated import of flat file into Customer's CIS Billing system via a secure FTP folder over VPN network
- > All necessary integration maintenance required due to changes in EA\_MS (i.e. upgrade).
- > Any additional Customer specific CIS integration requirements may impact additional time and cost.

Any additional custom integration work (i.e SCADA, PrePay, OMS) will be performed on a Time and Materials basis.

Pricing for AMI Project Delivery Services assumes 5 month period.

Services not defined by a mutually agreed Project Plan or Statement of Work (SOW) will be billed on a Time and Materials basis.

Overruns due to delays or issues caused by utility will be billed on a Time & Materials basis.

Elster Travel and Living Expenses are estimated. Customer will be invoiced for actual expenses + 10%.

Base system maintenance included in AMI System hosting fee.

**ELSTER AMI PROPOSAL**

## Up Front Cost (one time)

Item NO	Description	QTY	Unit cost	Extended
1	S2 Meter ( residential)	500	\$112.00	\$56,000.00
2	Gatekeeper	4	\$2,868.75	\$11,475.00
3	Handheld Prog	1	\$8,160.00	\$8,160.00
4	Managed SVC setup	1	\$1,500.00	\$1,500.00
5	Customer Portal	1	\$2,500.00	\$2,500.00
6	AMI Project Delivery SVCS	1	\$54,200.00	\$54,200.00
7	Billing Integration	1	\$15,000.00	APPA Member (Waived)
	Total One Time Cost			\$133,835.00

## Annual cost

8	Annual Fee	1	\$10,000.00	\$10,000.00
9	Monthly Fee - .29 Per Unit	12	\$587.71	\$7,052.52
10	Customer Portal Annual Fee	1	\$1,075.00	\$1,075.00
11	Monthly Fee - .08 Per Unit	12	\$151.67	\$1,820.04
	Total Annual Cost			\$19,947.56

**SENSES AMI PROPOSAL**

## Up Front Cost (one time)

Item NO	Description	QTY	Unit cost	Extended
1	S2 Meter ( residential)	500	\$139.00	\$69,500.00
2	Base Installation	3	\$30,328.00	\$90,984.00
3	Enginnering	1	\$34,560.00	\$34,560.00
4	Billing Integration	1	\$15,000.00	\$15,000.00
5	Project Mgmt	1	\$43,200.00	\$43,200.00
6	Training	1	\$6,900.00	\$6,900.00
7	Alarm Setup	1	\$5,000.00	\$5,000.00
	Total One Time Cost			\$265,144.00

## Annual cost

8	Head End Maint Fee	1	\$22,510.00	\$22,510.00
9	Costomer Portal Fee	1	\$23,093.00	\$23,093.00
10	Spectrom fee	1	\$800.00	\$800.00
11	Tech support	1	\$2,000.00	\$2,000.00
12	Alarm Maint	1	\$1,500.00	\$1,500.00
13	Base Station Maint.	1	\$1,000.00	\$1,000.00
	Total Annual Cost			\$50,903.00

**Tantalus AMI PROPOSAL**

## Up Front Cost (one time)

Item NO	Description	QTY	Unit cost	Extended
1	S2 Meter (residential)	500	\$177.00	\$88,500.00
2	900 MHZ Collector	4	\$359.00	\$1,436.00
3	End Point Collector w/Modem	2	\$2,900.00	\$5,800.00
4	Centron Register Reset	2	\$32.85	\$65.70
5	Server	1	\$10,000.00	\$10,000.00
6	Softwear Licence	1	\$15,000.00	\$15,000.00
7	Field Support & Training	26	\$1,800.00	\$46,800.00
8	IPC Programer	1	\$1,530	\$1,530.00
9	Meter Software	1	\$3,500	\$3,500.00
	Total One Time Cost			\$172,631.70

## Annual cost

10	Annual License Fee	1	\$8,000.00	\$8,000.00
11	Annual License Fee for Meter	500	\$0.12	\$60.00
12	Software Maintenance Incd/3rd party	1	\$5,000.00	\$5,000.00
13	Town Maint. Server/System In-House	1	\$2,500.00	\$2,500.00
	Total Annual Cost			\$15,560.00



	<b>Electric Read Costs</b>			
	Contract Meter Read Costs	Internal Cost to Review Mtr Reports	Final Reads Cost - PW	Courtesy Calls
January	3,286.86	713.52	316.45	15.00
February	2,845.29	713.52	316.45	15.00
March	2,596.16	713.52	316.45	15.00
April	2,658.67	713.52	316.45	15.00
May	2,657.34	713.52	316.45	15.00
June	2,706.55	713.52	316.45	15.00
Average	2,791.81	713.52	316.45	15.00
Annual Cost Proj.	33,501.74	8,562.24	3,797.40	180.00
500 Meter Pilot - Annual Cost Savings	8,375.44	2,140.56	949.35	30.00

<u>Shut-off Costs</u>			<u>Totals</u>		
PW Staff	Equipment	Billing Staff	Total Cost for Manual Reads	Total Shut-off Costs	<b>Total Costs</b>
843.85	224.00	1,986.06	4,316.83	3,068.91	7,385.74
843.85	224.00	1,986.06	3,875.26	3,068.91	6,944.17
843.85	224.00	1,986.06	3,626.13	3,068.91	6,695.04
843.85	224.00	1,986.06	3,688.64	3,068.91	6,757.55
843.85	224.00	1,986.06	3,687.31	3,068.91	6,756.22
843.85	224.00	1,986.06	3,736.52	3,068.91	6,805.43
843.85	224.00	1,986.06	3,821.78	3,068.91	6,890.69
10,126.15	2,688.00	23,832.73	45,861.38	36,826.88	82,688.26
1,687.69	448.00	3,972.12	11,465.35	6,137.81	17,603.16

**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 14-R-31**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,  
AUTHORIZING THE TOWN MANAGER TO NEGOTIATE A SERVICES  
AGREEMENT WITH ELSTER SOLUTIONS, LLC (AMI)**

**WHEREAS**, the Town needs to obtain a remote metering system for the remote read out of its utilities services; and

**WHEREAS**, Elster Solutions, LLC provides metering hardware, training and management services that would satisfy the Town's needs; and

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

1. The Board of Trustees is willing to consider entering into a contract with Elster Solutions, LLC if it is legally permissible to do so in the opinion of the Town Attorney.
2. The Board authorizes the Town Manager and Town Attorney to negotiate a contract that is legally permissible under Colorado law and authorizes the Town Manager to execute the contract on behalf of the Town if all issues including pricing is acceptable to both the Town Manager and the Town Attorney.

**INTRODUCED, READ, PASSED, AND SIGNED THIS 26th DAY of AUGUST, 2014.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Meghan C. Martinez, Town Clerk

By \_\_\_\_\_  
Tony Carey, Mayor